

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DELSHAH 60 NINTH, LLC,

Plaintiff,

-v-

FREE PEOPLE OF PA LLC,

Defendant.

CIVIL ACTION NO.: 20 Civ. 5905 (JMF) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On July 29, 2020, this action was removed from the Supreme Court of New York, New York County, by Defendant Free People of PA LLC n/k/a URBN US Retail LLC. *See* ECF No. 1 (“Notice of Removal”) ¶ 18. Defendant asserts that jurisdiction in this Court is proper by reason of diversity of citizenship, pursuant to 28 U.S.C. § 1332. *See id.* ¶ 8. Plaintiff Delshah 60 Ninth, LLC alleges it is a limited liability company organized and existing under the laws of New York with a principal place of business located at 114 East 13th Street, Frnt 1, New York, New York 10003. *See* ECF No. 12 (“Amended Complaint”) ¶ 2. The sole member of Plaintiff is Delshah Capital Limited, a limited liability company incorporated under the laws of the British Virgin Islands with a principal place of business in New York, New York. *See* ECF No. 98 (“Status Letter”) ¶ 3. Plaintiff has not further indicated the membership of Delshah Capital Limited.

It is well established that a limited liability company (“LLC”) is deemed to be a citizen of each state of which its members are citizens. *See, e.g., Handelsman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48, 51-52 (2d Cir. 2000). Thus, a notice of removal premised upon diversity of citizenship

must allege the citizenship of natural persons who are members of an LLC and the place of incorporation and principal place of business of any corporate entities that are members of the LLC. *See id.*; *see also, e.g., In re Bank of Am. Corp. Sec., Derivatives, and ERISA Litig.*, 757 F. Supp. 2d 260, 334 n.17 (S.D.N.Y. 2010); *Lewis v. Allied Bronze LLC*, No. 07 Civ. 1621 (BMC), 2007 WL 1299251, at *1-2 (E.D.N.Y. May 2, 2007) (remanding removed action for lack of diversity jurisdiction). In the present case, the Notice of Removal fails to do so.

Accordingly, it is hereby ORDERED that, on or before **Friday, May 20, 2022**, Defendant shall amend its Notice of Removal to allege the citizenship of each constituent person or entity comprising the Delshah Capital Limited (including the state of incorporation and principal place of business of any corporate entity member). If, by that date, the Defendant is unable to amend its Notice of Removal to truthfully allege complete diversity of citizenship, then the action will be remanded to the Supreme Court of New York, New York County, without further notice to either party.

Finally, Defendant is directed to, **within two business days of this Order**, serve on Plaintiff a copy of this Order and to file proof of such service on the docket. Counsel for Plaintiff is directed to file a notice of appearance on the docket **within two business days of such service**.

Dated: New York, New York
April 19, 2022

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge

